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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,298	02/28/2002	Brian P. LaMothe	1787-70800	7536
23505	7590	11/02/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			NGUYEN, MINH DIEU T	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,298	Applicant(s) LAMOTHE ET AL.	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 17 October 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-22 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) 23-61 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

1. This action is in response to the communication dated October 17, 2005 with the election of group I (claims 1-22) without traverse and the cancellation of group II (claims 23-61).

Claims 1-22 are pending.

Specification

2. The substitute specification filed October 17, 2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5, 8, 10 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mustafa (2003/0028786).

a) As to claims 1 and 8, Mustafa discloses a method and apparatus for preventing unauthorized reproduction and/or execution of the protected software comprising a computer system (Fig. 1A, element 5), Mustafa also discloses computer means essentially any type of computing device or machine that is capable of running a

software product (page 8, paragraph [0073]), therefore the computer system anticipates a microcontroller having the ability to execute programs stored on a first non-volatile storage device (i.e. CD-ROM, Fig. 19), the microcontroller also having a second non-volatile storage device coupled to the microcontroller (i.e. dongle storing license terms, Fig. 1A, element 10), a method comprising accessing a key entry stored on the second non-volatile storage device, the key entry identifying programs on the first non-volatile storage device licensed for execution on the microcontroller and limiting use of the programs stored on the first non-volatile storage device based on the key entry on the second non-volatile storage device (Fig. 2).

b) As to claim 2, Mustafa discloses limiting use of the programs stored on the first non-volatile storage device based on the key entry on the second non-volatile storage device further comprises limiting a number of instances of use of a first software program stored on the first non-volatile device (page 1, paragraph 0010).

c) As to claims 5, 10 and 18, Mustafa discloses wherein accessing a key entry (i.e. license terms) stored on the second non-volatile device further comprises reading the key entry from the second non-volatile storage device across an interface bus (i.e. I/O port, page 2, paragraph [0037]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa (2003/0028786) in view of Cronic (2003/0149670).

Mustafa discloses limiting use of the programs stored on the first non-volatile storage device based on the key entry on the second non-volatile storage device. Mustafa does not expressly disclose the limited use comprising limiting use of a set of programs to a version number identified in the key entry (claim 3) and limiting use of a first program after an expiration data identified in the key entry (claim 4).

Cronic discloses system and method for delivery of secure software license information comprising limiting use of a set of programs to a version number identified in the key entry (claim 3) and limiting use of a first program after an expiration data identified in the key entry (claim 4) (page 3, paragraph [0034]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of limiting use of a set of programs to a version number identified in the key entry (claim 3) and limiting use of a first program after an expiration data identified in the key entry (claim 4) in the system of Mustafa, as Cronic discloses so as to effectively preventing unauthorized execution of the protected software programs.

7. Claims 6-7, 9, 11-12, 15, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa (2003/0028786) in view of Hsu et al. (5,812,662).

Mustafa discloses second non-volatile storage device (i.e. dongle storing license terms) and reading the key entry across an interface bus (i.e. I/O port anticipates serial peripheral interface). However he does not expressly disclose the second non-volatile storage device comprises a read only memory device (ROM) device (claim 6) and wherein reading the key entry from the ROM device comprises reading a serial EEPROM (claim 7).

Hsu discloses a method and apparatus to protect computer software comprising dongle with non-volatile memory (i.e. EEPROM, ROM, EPROM, flashROM) (col. 2, lines 55-64; col. 6, lines 60-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of second non-volatile storage device comprising a ROM and/or EEPROM in the system of Mustafa, as Hsu discloses so as to safely hold the license terms when losing power.

8. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa (2003/0028786) in view of in view of Hsu et al. (5,812,662) and further in view of Microchip Technology Inc.

Hsu discloses serial EEPROM comprises a part number 93C46. However he does not disclose the serial EEPROM comprises a part number 25LC040-I device manufactured by Microchip Technology Inc.

Microchip discloses serial EEPROM 25LC040-I designing to interface directly with the serial peripheral interface port of many popular microcontroller (datasheet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of Microchip 25LC040-I in the system of Mustafa and Hsu, as Microchip discloses so as to improve the system performance.

9. As to claim 14, the examiner takes official notice that use of inter-integrated circuit bus in serial interfacing peripherals chips to microcontrollers is quite well-known in bus interfacing.

Inter-integrated circuit bus is a serial interface standard defined by Phillips Semiconductor in the early 1980's.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of inter-integrated circuit bus in the system of Mustafa so as to maximize system efficiency.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa (2003/0028786) in view of Vanderbeek (6,816,795).

Mustafa discloses a method and apparatus for preventing unauthorized reproduction and/or execution of the protected software comprising a computer system (Fig. 1A, element 5), Mustafa also discloses computer means essentially any type of computing device or machine that is capable of running a software product (page 8, paragraph [0073]), therefore the computer system anticipates a microcontroller having the ability to execute programs stored on a first non-volatile storage device (i.e. CD-ROM, Fig. 19), a ROM device (i.e. dongle storing license terms, Fig. 1A, element 10)

coupled to the microcontroller by way of an interface bus (i.e. I/O port), the ROM device storing a string of bytes that indicate a number of instances the gas flow measurement software program that may run on the microcontroller (page 1, paragraph [0010]); and wherein the microcontroller accesses the string of bytes on the ROM device and limits the number of instances of the gas flow measurement software program to the number indicated in the string of bytes (Fig. 2).

Mustafa does not expressly disclose the non-volatile storage device storing a gas flow measurement software program.

Vanderbeek discloses a compressed gas system comprising the flow responsive compressor control system implemented as an application program stored and executed by a microprocessor based computer system (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing gas flow measurement software program in the system of Mustafa, as Vanderbeek discloses so as to provide a computer operated gas flow measurement system.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa (2003/0028786) in view of Vanderbeek (6,816,795) and further in view of Freescale Semiconductor, Inc.

Mustafa and Vanderbeek disclose a microcontroller, however they do not expressly disclose the microcontroller comprises a Motorola microcontroller model number MPC862SR.

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Freescale Semiconductor, Inc. discloses a Motorola microcontroller model number MPC862SR (datasheet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of Motorola microcontroller model number MPC862SR in the system of Mustafa and Vanderbeek, as Freescale Semiconductor discloses so as to improve the system performance.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137


mdn
10/28/05


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER